

RAJIV GANDHI AND 1984: FACTS AND FANTASIES

**THE SIKH FORUM
3, MASJID ROAD, JANGPURA,
NEW DELHI-110014
TEL : 619284**

RAJIV GANDHI AND 1984

Facts and Fantasies

1. To the Readers
2. Rajiv Gandhi in His Own Words
3. "Controlled" – How Quickly ?
4. "Strict Legal Action ? " How Strict ?
5. "Unprecedented Rehabilitation ?" – How Meticulous ?
6. The Fate of the Jain- Banerjee Committee.
7. Innocent or Guilty ?
8. Some Affidavits.

To The Reader

Are you the kind of person who has an open mind or have you already made up your mind in regard to most things ?

If you belong to the second category, you may stop right here. It would not help you at all to read the following pages. But if you have an open mind, the facts provided here may help you to think differently.

It is for you to decide to which category you belong. We have tried to pose the issue in the manner that we have done for we do not want to waste your effort. As far as we are concerned, this little pamphlet is bound to be read by at least some people who are prepared to give a fresh look to the evidence placed in their hands.

What is the point at issue ? During the last few months the Prime Minister has been making all kinds of false and unfounded statements. May be the purpose is to prepare for the approaching general election. Whether that is so or not, one thing is definite. There are certain norms of truth and falsehood which have to be observed. Sad to say, the Prime Minister is not doing so.

In a statement reported on April 27, 1989, while addressing the Youth Congress (I) session, he is said to have made three claims. One, that the riots were controlled quickly. Two, that "unprecedented rehabilitation work" had been done and "meticulous care taken to rehabilitate several families". Three, that prosecution cases against 2400 people accused in about 225 rioting cases had been launched and so on.

Each one of these claims is a lie. In the following pages, data has been provided to null those lies. In fact, a press conference was held on May 31, 1989 by eight citizens' organizations- Nagrik Ekta Manch, PUCL, PUDR, CFD, Manushi, Citizens' Justice Committee, Nishkam Sikh Welfare Council and the Sikh Forum. At this conference, each one of the statements made by the Prime Minister was refuted with facts and figures.

It has been suggested by a number of people that what was said at that press conference needs to be concretised further. This has been done now. The following pages are presented to the public in the hope that those of them who do not have a closed mind would see for themselves that for the last five years a systematic attempt has been made to run the politics of the country on the basis of lies. Is this the way to build the polity ?

It is in order to set the record straight that these few pages are being published. In case you come to the conclusion that there is something to these facts, we would request you to pass on this pamphlet to someone else who, too, has an open mind.

Rajiv Gandhi's in His Own Words

1. The entire Sikh community should not be condemned for the madness of two Sikhs who assassinated Mrs. Indira Gandhi as part of a conspiracy. (The Hindustan Times, 8 November 1984)
2. Prime Minister today asked his senior party colleagues to probe into every allegation of Congress (I) workers' involvement in the violent incidents at some places following Mrs. Gandhi's assassination. (The Hindustan Times, 9 November 1984)
3. "When a giant tree falls, the mother earth underneath shakes." (Speech at a public meeting on November 19, 1984).
4. Extremist elements had assassinated Mrs. Indira Gandhi and then attempted wide spread communal violence to create disorder and division in the country." (Speech at Khagaria on December 2, 1984).
5. Leaders and men of other parties were also involved in the violence. The assassination obviously sparked off wide spread resentment involving people irrespective of their politics. (The Hindustan Times, December 18, 1984).
6. "The government is determined to ensure Sikh's safety," says Rajiv. (December 18, 1984).
7. The Prime Minister ruled out an inquiry into the riots in the aftermath of Indira Gandhi's assassination as it would be detrimental to the interests of the Sikhs. (PTI, February 20, 1985).
8. "It (inquiry into Nov. 84 killings) would do more damage to the Sikhs, it would do more damage to the country by specifically opening this whole thing up again". (Sunday, March 10-16, 1985).
9. It is entirely their business. They (the SGPC) want to build 24 storeys, they are welcome to do it, provided the municipal laws permit it.
→ Commenting on the proposal to reconstruct the Akal Takht, (India Today, March 31, 1985).
10. In January 1986 Rajiv was asked, "What about punishing the guilty?" "We have got a commission on it" he says. "We've had a police report on it. And as soon as we get all the evidence in our hands, we will punish the guilty. Very definitely so".
"And you will take action against your own Congressmen", he is asked, "If there is evidence that they were guilty of involvement in rioting, inciting and murder?"

"Absolutely", Rajiv says, "No doubt about that. No matter what the level. No matter where. Absolutely" (Illustrated Weekly of India January 12, 1986).

11. I gave them (Sikh terrorists) at least another couple of years. Meantime, I am confident that the (Punjab) accord will work out and that the Baranala Ministry will face the extremists. (Blitz, March 31, 1986).
12. Mr. Rajiv Gandhi has directed the Delhi Administration to dispose of the claims for compensation cases of riot victims by the end of May (1986) (The Tribune, May 15, 1986).
13. They can have a Khaistan in Canada but not in India—(Statesman, October 24, 1987).
14. They (the Sikh extremists) can have a "Khalistan" in Canada, but not in India. — At a press conference in Vancouver, India Today, November, 15, 1987).
15. If you ask me what the real problem of the Sikhs in Punjab is, I don't know. I don't think they know. You can say it's about sharing Chandigarh or the river waters or territory, but that's not really what they are so upset about. —(Statesman April 9, 1988).
16. If it is required to have an Emergency (in Punjab), we will not hesitate to have it imposed. But we feel that immediately it is not required. —(Statesman, April 16, 1988).
17. If necessary, bulldozers will be pressed into service—both political as well as diesel - operated bulldozers.
— On the Golden Temple corridor plan, quoted in the Hindu, India Today, July 15, 1988).

“Controlled ?” — “How Quickly ?”

- There was inordinate delay on the part of the Government to call the Army in aid of Civil Administration. There were 5000 fighting army men available by October 31 midnight. If army had been called on the morning of 1st November, and 5000 army jawans would have been moving in the streets of Delhi the situation would have been different. (Report of the government-appointed Ranganath Misra Commission-Vol. I, p 41).
- The police were highly negligent and grossly failed to perform its duty and at places the police had connived with the mob Ibid Vol. I, pp. 32-400.
- The Delhi Administration, instead of taking action against the police, has supported the action and has seriously attempted to cover the lapses of police (Ibid Vol. I, p 38).
- Killings of Sikhs continued even till November 5- five days after Mrs. Gandhi's assassination, as evident from newspaper reports about assaults on Sikhs in West Patel Nagar, Shahdara, Badarpur, Anand Parbat and Nathu Chowk.
- While there is ample data available in regard to how the situation was mishandled, that is not being quoted. Only the findings of the Misra Commission have been quoted. But, perhaps, one minor point may be referred.
- Even before VP Marwah was made the Director General of Police in Delhi in the beginning of 1985, he was asked to conduct an enquiry into the manner in which the police officials had conducted themselves during those days in November 1984. He prepared some kind of a report which, it is said, was seen by the Prime Minister himself.
But before anything could be done about it, one of the officials who feared that his conduct would be censured sought an injunction against it from the court. The injunction was granted and the matter stays there. That was about four years ago.

"Strict Legal Action ?"— How Strict ?

- There has been a lapse and omission in registration of cases by the police. According to the official figures, more than 1200 cases of murder were not registered. The official figure of total deaths now stands at 2733. Therefore, cases have not been registered in respect of 1000 murders (Report of the Misra Commission) (Vol. I, pp 22 and 62).
- The riot victims are entitled to claim damage from the police as the police has been negligent in performing its duty (ibid Vol. I, p 69).
- The court cases have not been properly prosecuted. A number of cases have been closed wrongfully by the police. The investigation has not been properly conducted by the police (Ibid Vol. I, pp 62-65).
- The DTC buses were used in transporting the rioters, but the DTC management has cautioned the employees not to disclose this fact to the Commission. The records of the DTC have been suitably touched up (ibid Vol. I, p 42).
- While the official figure for deaths is 2733, the Citizens Justice Committee supplied a list of 3870 names. Neither the Misra Commission nor the police have taken due notice of the higher figure or launched investigation or any follow-up action.
- Till now—after four and a half years—the prosecution agency of the government has been able to obtain conviction in only one murder case involving six people; they have been awarded life imprisonment by the Sessions Courts.
- In the other murder cases, the accused have been acquitted primarily because of lapses in police investigation.
- An example of wilful lapses by the police: the police did not register a single case of murder in Mangolpuri, Shahdara and Kalyanpuri which saw some of the worst fury of the massacre. They even refused to register FIRs when survivors came to make complaints.

“Unprecedented Rehabilitation ?” — How “Meticulous ?”

H.S. Hanspal, a Congress Member of Rajya Sabha, mobilised a group of people to call upon the Prime Minister at his house. As reported in the papers of 27.4.89., it was stated by the Prime Minister that the rehabilitation work after the riots was unprecedented. “Meticulous care was taken to rehabilitate every family”, it was claimed. The facts, however, are as under :

- As stated in Parliament, the Delhi Administration has spent Rs. 7.94 crores on providing financial assistance to Nov. '84 victims,**
- Out of this amount, a sum of Rs. 20,000 each was given to the next of kin of the 2733 killed (the accepted figure by the Delhi Administration). This came to 5.46 crores.**
 - In consequence, a sum of Rs. 2.48 crores was spent on compensation for personal injuries, houses burnt and broken into, assistance in marriages, compensation for property and vehicles insured but not covered against rioting.**
 - The estimated number of victims who directly suffered during the Nov '84 riots is 25,000. If the amount is divided almost equally, it would come to Rs. 1000 per head. Clearly everyone could not have been helped as should become evident from the details given below.**
 - Out of them, 504 have been given employment and 190 are receiving monthly pension of Rs. 400/-. In other words even in the middle of 1989, 262 widows have not received any help.**
 - The pension was fixed at Rs. 400/- per month. This was recognised to be insufficient by the Lt. Governor himself. He said in 1988 that the amount would be raised to Rs. 600 per head. That has yet to be done, however.**
 - About 1200 victims living in Tilak Vihar camp were promised a piece of land measuring 30 sq. yd. and a loan of Rs. 25,000 each by the Lt. Governor on the Independence Day in 1987. No progress has been made so far, however.**
 - If fact some people who are still staying in the Farash Bazar Camp had to go to the High Court to ask for similar relief. The High Court has ruled in their favour but the directive is yet to be honoured.**

- A one-room flat valued at Rs. 30,000 was promised to each widow in exchange for the house owned by her prior to Nov. '84. Subsequently the value was raised to Rs. 42,000 unilaterally by the DDA.
- If there is difference between the assessment of the value of the victim's house as sold or auctioned by the DDA and the price fixed for the flat in Tilak Vihar, the difference has to be made good by the widow herself.
- In case a widow did not possess a one-room flat before Nov. '84 and was provided one now, she was required to pay Rs. 3,000 at the start and the balance in instalments. Out of Rs. 3,000 she was helped to the tune of Rs. 1,000 by the Administration but the rest had to be found by herself.
- Compensation for injury was paid mainly when the refugees were staying in the camp and some weeks thereafter. The majority of those injured failed to get any compensation.
- Compensation for death in many cases was given after a lot of harassment and delay. In four cases compensation was paid in March 1988 only after years of efforts made by a voluntary agency.
- Compensation for property and vehicles was invariably assessed on the lower side. All kinds of rules were brought into play and a large number of victims were duped in the bargain. The overall attitude of the Delhi Administration was not helpful.

Fate of the Jain- Bannerjee Committee

- After the Misra Commission report was submitted, the Central government appointed two committees. One of them was asked to examine whether there were cases of omission to register or properly investigate offences, to recommend the registration of cases where necessary and to monitor the conduct of the investigation and follow up of cases already registered. This was announced in the Parliament on Feb 21, 1987.
- As per terms of reference, the Jain-Bannerjee Committee invited affidavits from the public.
- After processing them for a period of 2-3 months, it selected one filed by Smt. Anwar Kaur whose husband had been murdered but no case had been registered.
- Smt. Anwar Kaur had named the former M.P., Shri Sajjan Kumar, as one of the murderers.
- Instead of acting promptly, the Police Commissioner returned the affidavit to the Committee with the remark that the same may be routed through the Lt. Governor.
- The Committee sent the affidavit back saying that that was not necessary and, as per the notification dated 2.2.87, the Committee was empowered to instruct and advise the police.
- The police, however, sat over the matter for more than a month.
- Meanwhile one Shri BN Gupta filed a writ petition before the Delhi High Court and obtained a stay against any such case being registered.
- The government did not move for the vacation of the stay. But certain voluntary agencies moved in the matter. The Citizens' Justice Committee filed an application for the vacation of the stay.
- In its reply, the Delhi Administration did not support the action of the Jain-Bannerjee Committee inviting the affidavits.
- The Jain-Bannerjee Committee wanted to contest this view of the Delhi Administration through an advocate. But the Government did not provide it with one.

- Curiously enough, one Mr. D. R. Sethi began to appear on behalf of the Committee without any authorisation or any instruction from the said Committee.
- When the Committee objected to this, he simply stopped appearing. All this while the Delhi Administration did not make any advocate available to the Committee.
- Both the Delhi Administration and the Central Government disassociated themselves from the fresh affidavits invited by the Committee. This is contrary to the terms of reference given to the Committee.
- There are all kind of other details which only go to indicate that nobody is interested in pursuing the cases. Even as per the figures given by the government, 1314 murders which were committed have not been either registered or prosecution in this regard launched.
- Meanwhile Shri Sajjan Kumar was nominated as General Secretary of the Delhi Pradesh Congress Committee and continues to function as such.

You said it

By LAXMAN



Lies, lies, lies! From whom have you learnt to tell lies like this?.... Never mind, don't tell me....!

Innocent or Guilty ?

- The Prime Minister has claimed that Shri H.K.L. Bhagat remained with him for 48 to 72 hours in connection with the arrangements made for the cremation of Mrs. Indira Gandhi. He, therefore, wondered how Mr. Bhagat could have been involved in the Delhi riots.
- A few of the affidavits submitted to the Misra Commission have mentioned Mr. Bhagat by name in circumstances which would suggest that what is claimed is not correct. The affidavits included in the pamphlet may be seen in this connection.
- One thing more, Justice Misra conducted an enquiry. The enquiry was different from all similar enquiries held on earlier occasions. Its terms of reference were not to enquire into the "course and causes of rioting" which is the usual way of conducting such enquiries. In this case it was to enquire into "the allegations made".
- One of the allegations made was the involvement of Mr. H.K.L. Bhagat in the rioting. Was it enquired into? Was he cross-examined in the presence of those who had made allegations? If not, why not?
- Allegations were made against several other people also including Sajjan Kumar. None of them was summoned for cross-examination. Once again, why?
- The guilty person does not become innocent merely because the Prime Minister of the country says so. He has to be pronounced as innocent by a judicial authority. In this case it was a sitting judge of the Supreme Court and he was conducting the enquiry. Why did he not permit cross-examination?

(Note : we are compelled to withhold the names of the persons who filed the following affidavits before the Misra Commission, because they may face threats to their lives from the criminals who are still at large.)

Affidavits

Relating to Mr. H. K. L. Bhagat

I

Affidavit filed by a resident of Shakarpur before the Misra Commission. The gentleman in question is an ex-INA soldier and a Congress-man who had worked as H.K.L. Bhagat's polling agent in the 1980 Lok Sabha elections.

"On 31.10.84 in the evening when I reached my house from my place of work, I heard loud slogans on the way at some places. On reaching home I took bath, recited evening prayers and there after went upstairs on the roof of my house. In front of my house is the house of an eminent Congress (I) leader namely, Shri Sham Singh Tyagi. In front of his house I saw Shri H.K.L. Bhagat, Central Minister, who was standing there with some 4-5 other persons whom I can recognise but I do not know their names. Shri Sham Singh Tyagi was also standing amongst them. On seeing this, I sat by the side of the railing on the roof, and went on seeing them. After some time Shri Bhagat went into Tyagi's house with some gentlemen. After some time, Tyagi went out and brought some more people. Kirpal Bhardwaj and madan were accompanying these persons. There were about ten other persons whom I could not recognise."

II

"On 31.10.84 when I alighted from Bus No. 118 at Laxmi Nagar, Shakarpur stop and walked across the road towards my house, I saw many people assembled in front of Sh. Shyam Singh Tyagi's house. I recognised some persons in the crowd and I also stopped there. As I am also Hindu my presence was taken casually by everyone. The people I could recognise were as : Shyam Singh Tyagi, Dhoop Singh Tyagi, Karam Chand, Lakhmi Chand, Ramesh Chauhan, Deshpal Gupta, Misra, Haro Singh Inder Dev, H.K.L. Bhagat.

I recognise Sh. H.K.L. Bhagat who is cabinet minister, as I have visited him several time at his Kothi. On seeing Sh. Bhagat, I stopped for a while and saw him take out a bundle of notes which he handed to Sh. Dhoop Singh Tyagi saying that this Rs. 2000/- is for liquor and you do as I have told you. You are not to worry about consequences. I will take care of everything myself. Then I proceeded towards my house. On the way I wanted to give this information to a friend whose house falls enroute to my house, not finding him there I proceeded on to my residence "

"On 31.10.84 I came from NOIDA where I had gone to see my friend. I got down from the Bus at Laxmi Nagar, Shakarpur Bus stand at about 8.30 P.M. and proceeded for my house. On the way I saw Shri H.K.L. Bhagat, M.P. (Congress I) standing in front of the house of Shri. Shyam Singh Tyagi along with 10-15 other persons.

That on 31.10.84 from about 9.30 P.M. till late night the following persons along with other persons whom I do not know by name but can recognise, if produced before me. Through all the streets of the locality these people carried the Congress (I) flags in their hands and were shouting slogans like, "Khoon Ka Badla Khoon se Lengay" and "Sardar Gaddar Maar do" etc."

Affidavit filed by a retired Policeman presently carrying on the business of running vehicles.



Affidavits relating to SAJJAN KUMAR

"On 1st Nov. 84, at about 8.30 A.M. Shri Sajjan Kumar, M.P. came in a white car. He was accompanied by his P.A. Jai Chand Jamedar and two/three more persons. I can recognise all of them if brought face to face. After putting up 'Kanats' a meeting was held, which was attended by a substantial number of Congress workers. Shri Sajjan Kumar also reached that meeting. The park in which the 'Kanats' were erected, is right in front of my house. I have been Congress worker for the last 25/20 years and by reason of this fact, I know all the Congress workers and leaders of my area. I have also been Pradhan of J.J. Colony, Wazirpur.

When 'Kanats' were being erected, I asked Shri Brahma Nand Gupta, Tailwala (oil merchant) about the purpose of the meeting. He told me "It is our meeting, it has nothing to do with you". About 200 persons had collected there. I climbed and sat on my roof. When Shri Sajjan Kumar, M.P., arrived at the meeting, then I came to know that the meeting was in connection with the death of Smt. Indira Gandhi and the question of the Sikhs.

Shri Sajjan Kumar said that who-so ever kills the sons of the snakes, he would be rewarded by him (Sh. Sajjan Kumar) because they have murdered our Prime Minister, Smt. Indira Gandhi. He said that who-so ever kills Sardar Roshan Singh and Bhag Singh would be given Rs. 5,000/- each by him and those who kill other Sikhs, will be rewarded Rs. 1000 per head. These rewards can be collected on 3rd November 1984 from my P.A., Jai Chand Jamedar.

Affidavit filed by a 70 years old man before the Misra Commission.

II

"On 1.11.84 at about 9 A.M. a mob of 300 which was being led by Baiwan Khokhar and Mohinder Yadav of Vagdolia came to our colony. Ram Niwas of Hanuman Mandir and Brij Mohan Gupta who live in front of the temple, were speaking on the loudspeaker and were pointing the house where the Sikhs were living. By dragging them out, the Sikhs were being hit on the head with iron rods and when they fell down, kerosene oil or some powder was being thrown on them. They were burnt alive. Sikhs used to cry in pain to the enjoyment of the mob. When a Sikh used to die, his name was being announced on the loudspeaker. Out of fear I left my house and put a cap on my head so that I am not recognised.

When I came on the road I saw that on the road Sajjan Kumar, M.P., Balwan Khokhar and his younger brothers Naresh Kumar and Mohinder Yadav of Yagdola and a mob of 200 people were killing and set on fire S. Nirmla Singh in front of the shop of Dhanraj Sarwat. Sajjan Kumar was in jeep I heard him telling Balwan Khokhar, "you look after this place, I am going to other areas." I could not bear to hear the cries of Nirmla Singh so I went away on the main road. On the main road, a new Barat Ghar in Mangla Puri, J.J. Colony has been built. I saw that bottles of liquor were being distributed amongst the people. As I was coming back towards my house, I saw burnt houses of Sikhs."

Affidavit filed by a resident of Raj Nagar, Palam Colony.

A Widows' Affidavit

"The mob attacked our colony on Nov 1, 84 at about 11 a.m. There were about 400-500 men. They were carrying lathis, iron rods, sticks, kerosene oil tins and some white powder with them. My husband hid himself because we saw that the houses of Sikhs were being looted and the Sikhs were being killed. The police were standing there as mere spectators.

On Nov 2, 84 at about 9 a.m. my husband went to the police station. The police people abused him and asked him to run away from there. When he came out of the police station the mob was just outside the police station. The mob killed my husband. People told me that Mr. Bharat Singh and Sajjan Kumar ex. M.P. was also there. My uncle asked these two persons to help my husband because all my family members are Congress workers but these two did not help at all."

Affidavit filed by a widow from Nangloi, now residing at Tilak Vihar, New Delhi.

Price: Rs. 2/-

Printed at: Amrit Enterprises, Lawrence Road, Delhi